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| 10/811,730 | 03/29/2004 | Jo Ann Joels | RIC 03 006 | 1435 |

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| EXAMINER |
|---|
| ANWARI, MACEEH |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *19 May 2010*.

2a)☒ This action is **FINAL**.        2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

## DETAILED ACTION

1.      This action is in response to communications filed on 5/19/2010.  **Claim(s) 1, 2,**

**14, 15, and 24** have been amended.  No other claims have been amended, added, or

canceled.  Accordingly, **claim(s) 1- 39** are pending.

### *Response to Arguments*

2.      Applicant's arguments with respect to **claim 1- 39** have been considered but are

moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 101*

3.      35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

**Claims 24- 30** are rejected under 35 U.S.C. 101 because the claimed invention

is directed to nonstatutory subject matter.   The claims are drawn to a "computer

readable medium".  The specification is silent regarding the meaning of this term.  Thus,

applying the broadest reasonable interpretation in light of the specification and taking

into account the meaning of the words in their ordinary usage as they would be

understood by one of ordinary skill in the art (MPEP § 2111), the claim as a whole

covers both transitory and non-transitory media.  A transitory medium does not fall into

any of the 4 categories of invention (process, machine, manufacture, or composition of

matter).

### *Claim Rejections - 35 USC § 103*

4.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.     **Claims 1-2, 4-5, 8, 12-14, 16-19, 21-26, 28-31, 34-35, 37-39** rejected under 35 U.S.C. 103(a) as being unpatentable over **Or et al.** (hereinafter **Or** U.S. Pub. No.: 2002/0067742 A1) in view of **Barry et al.** (hereinafter **Barry** U.S. Pat. No.: 7, 225, 249 B1) and further in view of **Blom et al.** (hereinafter **Blom** U.S. Pub. No.: 2007/0160201 A1).

6.     Regarding **claims 1 Or**, discloses: a method comprising:

receiving at a gateway device a first communication from a first network that is addressed for a network element of a second network, where the second network is based on a different technology than the first network and where the gateway device comprises a layer 3 gateway **(Or: At least Fig. 1 and par. 2-5; cellular network to Internet and WAP)**;

transmitting the first communication from the gateway device to the second network **(Or: At least Fig. 1 and par. 2-5; cellular network to Internet and WAP)**;

receiving at the gateway device a second communication from the second network that is addressed for a network element of the first network **(Or: At least Fig. 1 and par. 2-5; cellular network to Internet and WAP)**;

transmitting the second communication from the gateway device to the first network **(Or: At least Fig. 1 and par. 2-5; cellular network to Internet and WAP)**.

**Or** discloses the invention as discussed above and further discloses managing a WAP gateway through SNMP, by using a MIB; wherein the MIB contains different

details bout the WAP gateway, and enables various operational parameters of the WAP

gateway to be monitored (i.e. polled) and controlled **(Or: Abstract and par. 10-13)**.

However **Or** does not appear to disclose wherein the operating parameters

include at least two of information identifying Internet Key Exchange security

associations (IKE SAs) no longer being used, information identifying a number of

toggles between an active card and a standby card in the gateway device, or

information identifying processor utilization in the gate way device;

analyzing the operating parameters; and generating a health report related to the

stability of at least the gateway device, the health report being based upon analysis of

the operating parameters.

In the same field of endeavor, **Barry** discloses wherein the operating parameters

include at least information identifying processor utilization in the gate way device

**(Barry: At least col. 139 line 43- col. 140 line 6; monitoring all aspects of web**

**server health from CPU usage to memory utilization so resource utilization is**

**maximized and bandwidth/throughput is improved)**;

analyzing the operating parameters; and generating a health report related to the

stability of at least the gateway device, the health report being based upon analysis of

the operating parameters **(Barry: At least Fig. 5a- 5b, 8-13b and Col. 139 line 43- col.**

**140 line 6; reporting system for providing reports on the performance of**

**networks, Network health reports and the use of network management platform**

**NetExpert)**.

Accordingly it would have been obvious for one of ordinary skill in the networking art to modify or incorporate **Barry's** teachings of status and problem/health reporting with the teachings of **Or** to provide for a more efficient management system (i.e. by providing a status report and notification it would make it easier for administrators and management protocols to better trouble shoot issues and problem handling).

Furthermore, **Or-Barry** disclose the invention as disclose the invention as described above, however **Or-Barry** do not appear to explicitly disclose wherein the operating parameters includes information identifying Internet Key Exchange security associations (IKE SAs) no longer being used.

In the same field of endeavor, **Blom** discloses wherein the operating parameters includes information identifying Internet Key Exchange security associations (IKE SAs) no longer being used **(At least Fig. 10 and par. 20, 69 and 118; Session keys used in Internet Protocol security--IPsec-- and session keys use to run IKE and negotiating Security Association, with a key manager for deleting expired session keys and/or flushing the key storage upon command from AAA server)**.

Accordingly it would have been obvious for one of ordinary skill in the networking art to modify or incorporate **Blom's** key management system for network elements with the teachings of **Or-Barry's** to provide for a more secure networking environment (i.e. by minimizing the interception of communications by an unwanted third party through the use of security keys).

7.       Regarding **claim 2**, **Or-Barry-Blom** further discloses: where the polling of the gateway device to obtain operating parameters comprises obtaining information related

to a flowcache and information identifying node throughput **(Barry: At least col. 65 lines 9-33 and col. 139 line 43- col. 140 line 6; session management and monitoring all aspects of web server health from CPU usage to memory utilization so resource utilization is maximized and bandwidth/throughput is improved)**.

One of ordinary skill in the art would have combined **Or-Barry-Blom** in the instant claim, for the same reasons and rationale as applied within **claim 1**.

8.      Regarding **claim 3**, **Or-Barry-Blom** further discloses: where the polling of the gateway device to obtain operating parameters comprises obtaining information identifying IKE SAs no longer being used **(Blom: At least Fig. 10 and par. 20, 69 and 118; key manager for deleting expired session keys and/or flushing the key storage upon command from AAA server)**.

One of ordinary skill in the art would have combined **Or-Barry-Blom** in the instant claim, for the same reasons and rationale as applied within **claim 1**.

9.      Regarding **claim 4**, **Or-Barry-Blom** further discloses: where the polling of the gateway device to obtain operating parameters comprises obtaining node configuration information **(Or: At least abstract and par. 8-9 and 25 and 28; changing one or more performance parameters within device and WAP configuration)**.

One of ordinary skill in the art would have combined **Or-Barry-Blom** in the instant claim, for the same reasons and rationale as applied within **claim 1**.

10.     Regarding **claim 5**, **Or-Barry-Blom** further discloses: where the node configuration information comprises a number of layer 3 connections **(Or: At least par. 23- 25; network devices such as routers and WAP configuration)**.

One of ordinary skill in the art would have combined **Or-Barry-Blom** in the instant claim, for the same reasons and rationale as applied within **claim 1**.

11.     Regarding **claim 6-7, 9-11, 15, 20, 32- 33 and 36** rejected under 35 U.S.C. 103(a) as being unpatentable over **Or-Barry-Blom** and further in view of **Turtialnen et al.** (hereinafter **Turtialnen** U.S. Pub. No.: 2002/0059516 A1).

12.     Regarding **claim 6**, **Or-Barry-Blom** does not appear to explicitly disclose where the node configuration information comprises a number of VPRN (virtual private routed network) connections.

In the same field of endeavor **Turtialnen** discloses where the node configuration information comprises a number of VPRN (virtual private routed network) connections **(Turtialnen: At least Par. 2-4; Virtual Private Network including one or more corporate LANs or intranets as well as the Internet and wireless mobile networks)**.

One of ordinary skill in the art would have combined **Or-Barry-Blom** and **Turtialnen** in the instant claim, for the same reasons and rationale as applied within **claim 1**.

13.     Regarding **claim 7**, **Or-Barry-Blom-Turtialnen** further discloses**:** where the node configuration information comprises a number of IPSec tunnels **(Turtialnen: At least Fig. 2-5 and par. 4 & 18; IPSec packet to be properly encapsulated and decapsulated, and tunneling data between respective end points)**.

One of ordinary skill in the art would have combined **Or-Barry-Blom-Turtialnen** in the instant claim, for the same reasons and rationale as applied within **claim 1**.

14.     Regarding **claim 8**, **Or-Barry-Blom-Turtialnen** further discloses**:** where the first

network comprises the Internet **(Or: At least par. 2; Internet)**.

15.     Regarding **claim 9**, **Or-Barry-Blom-Turtialnen** further discloses**:** where the

second network comprises at least one of a frame relay network, an asynchronous

transfer mode network, private internet protocol network or an internet protocol virtual

private network **(Turtialnen: At least par. 2-3 & 28; Virtual private networks)**.

        One of ordinary skill in the art would have combined **Or-Barry-Blom-Turtialnen**

in the instant claim, for the same reasons and rationale as applied within **claim 1**.

16.     Regarding **claim 10**, **Or-Barry-Blom-Turtialnen** further discloses**:** where the

gateway further implements a firewall function when transmitting communications

between the first and second networks **(Turtialnen: At least Fig. 2-5 and par. 4 & 18&**

**27; IPSec packet to be properly encapsulated and decapsulated, and tunneling**

**data between respective end points—gateways and firewalls)**.

        One of ordinary skill in the art would have combined **Or-Barry-Blom-Turtialnen**

in the instant claim, for the same reasons and rationale as applied within **claim 1**.

17.     Regarding **claim 11**, **Or-Barry-Blom** further discloses**:** where the analyzing the

operating parameters comprises comparing the operating parameters to a threshold

value **(Barry: At least fig. 34f and col. 96 lines 49-58; Ad-Hoc threshold alarms)**.

        One of ordinary skill in the art would have combined **Or-Barry-Blom** in the

instant claim, for the same reasons and rationale as applied within **claim 1**.

18.    Regarding **claim 12**, **Or-Barry-Blom** further discloses**:** further comprising setting

a flag if the operating parameters exceed the threshold value **(Barry: At least fig. 34f**

**and col. 96 lines 49-58; Ad-Hoc threshold alarms)**.

One of ordinary skill in the art would have combined **Or-Barry-Blom** in the

instant claim, for the same reasons and rationale as applied within **claim 1**.

19.    Regarding **claim 13**, **Or-Barry-Blom** further discloses**:** where the comparing the

operating parameters to a threshold value comprises comparing the operating

parameters to a warning threshold value and also comparing the operating parameters

to an augment threshold value **(Barry: At least fig. 34f and col. 96 lines 49-58; Ad-**

**Hoc threshold alarms)**.

One of ordinary skill in the art would have combined **Or-Bowman-Turtialnen** in

the instant claim, for the same reasons and rationale as applied within **claim 1**.

20.    **Claims 7 and 27** rejected under 35 U.S.C. 103(a) as being unpatentable over

**Or-Barry-Blom-Turtialnen** and further in view of **Gray et al.** (hereinafter **Gray** U.S.

Pub. No.: 2008/0189353 A1).

21.    Regarding **claim 3**, **Or-Barry-Blom-Turtialnen** disclose the invention as

discussed above.

However **Or-Barry-Blom-Turtialnen** do no seem to explicitly disclose where the

node configuration information comprises a number of IPSec tunnels.

In the same field of endeavor, **Gray** discloses where the node configuration

information comprises a number of IPSec tunnels **(Gray: At least par. 43; IPSec**

**tunnels)**.

Accordingly it would have been obvious for one of ordinary skill in the networking art to modify or incorporate **Gray's** teachings of IPsec tunnels with the teachings of **Or-Barry-Blom-Turtialnen** to provide for a more flexible and secure system (i.e. by using IPsec tunnels you are ensuring an integrated form of communication, through different technologies, and doing so with a high level of security).

22.     Regarding **claim 27**, **Or-Barry-Blom-Turtialnen-Gray** further discloses: where computer program code to automatically, periodically poll the gateways is further to initiate a CLI connection with each of the gateways **(Gray: At least par. 38 and 59; CLI)**.

One of ordinary skill in the art would have combined **Or-Barry-Blom-Turtialnen-Gray** in the instant claim, for the same reasons and rationale as applied within **claim 3**.

23.     As per **claims 14-23**, they all list the same elements as those detailed above and are therefore rejected using the same reasoning and rationale as applied to **claims 1-13 and 27**.

24.     As per **claims 24-30**, they all list the same elements as those detailed above and are therefore rejected using the same reasoning and rationale as applied to **claims 1-13 and 27**.

25.     As per **claims 31- 39**, they all list the same elements as those detailed above and are therefore rejected using the same reasoning and rationale as applied to **claims 1-13 and 27**.

**Examiner Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages**

and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### *Conclusion*

26.     Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MACEEH ANWARI whose telephone number is (571)272-7591. The examiner can normally be reached on Monday-Friday 7:30-5:00 PM ES.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.A.
/William C. Vaughn, Jr./
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